

Chapter 160 – Zoning

Existing:

Chapter 160-5 A (Use Regulations):

(35) Market, food (except live poultry).

Proposed:

(35) Farmers Market.

a) Definitions.

1. **Fenwick Island Farmers' Market** – The nonprofit organization consisting of community volunteers and local growers, which has been sanctioned by the Town Council of the Town of Fenwick Island and the Delaware Department of Agriculture.
2. **Farmers Market** – An open outdoor market setting whereat fresh agricultural items, horticultural items, baked goods, seafood and/or other fresh food items, that have been locally grown, produced or processed by vendors who are members of the Fenwick Island Farmers' Market, may be sold.
3. **Vendors** – Persons or entities selling only agricultural, horticultural, baked goods, seafood and/or other fresh food items that they themselves have grown, produced or processed. Individual vendors operating outside the established hours of the Fenwick Island Farmers' Market will be permitted to sell local items purchased from members of the Fenwick Island Farmers' Market.
4. **All vendors must be members of the Fenwick Island Farmers' Market. All vendors must also receive a business license from the Town of Fenwick Island to operate individually outside the established hours of the Fenwick Island Farmers' Market. Proof of membership in the Fenwick Island Farmers' Market must be submitted at the time of application for a business license. No license fee shall be charged for members of the Fenwick Island Farmers' Market.**
5. **Rules and Regulations of the Fenwick Island Farmers' Market** – The rules and regulations imposed by the Fenwick Island Farmers' Market nonprofit organization.

b) Permitted Locations. Farmers Markets will be only permitted on vacant, unimproved lots, which shall be at least 100' x 100' in size (either individually or combined), in the Commercial Zone in Town.

c) Regulations.

1. **If a vendor is not the record owner of the vacant, unimproved lot where the Farmers Market will be located, the vendor must submit to the Town Manager at the time of licensing written proof that the record owner consents to the operation of a Farmers Market on the vacant, unimproved lot in question. If a vendor is the record owner of the vacant, unimproved lot in question, then proof of ownership must be submitted to the Town Manager at the time of licensing.**
2. **Vendors shall comply with all local, county, state and other health laws, rules or regulations pertaining to their operation.**
3. **Vendors must provide for the removal of all waste generated by or in connection with the operation of the Farmers Market. Such waste removal shall include, but not be limited to, the removal of all recyclable materials for the designated purpose of recycling.**
4. **Farmers Markets shall be operated on a seasonal basis only, from May 1 through October 31 of any calendar year.**
5. **All meat, seafood, dairy and baked products sold at a Farmers Market must meet the safety and quality control requirements of the Rules and Regulations of the Fenwick Island Farmers' Market.**
6. **No live animals of any kind, except seafood, may be sold, kept or slaughtered at a Farmers Market.**